



ORDINANCE

NUMBER 19-278

AN ORDINANCE CODIFYING AND COMPILING THE GENERAL ORDINANCES OF THE CITY OF DELTA, STATE OF UTAH AND ADOPTING THE DELTA CITY CODE.

The City Council of the City of Delta, Utah (referred to herein as the “City Council”), recites the following as the basis for enacting this Ordinance:

- A. The City Council of Delta City, Utah, pursuant to the provisions of §§ 10-3-706 through 10-3-710 of Utah Code Annotated, 1953, as amended, has determined that the ordinances of the City of a general and permanent character should be compiled, revised, codified, and thereafter published by Sterling Codifiers, Inc. containing the compilation of all ordinances of a general nature together with the changes made to said ordinances, under the direction of the governing body of the City, and shall be accepted in all courts without question as the official code and law of the City as enacted by the Mayor and City Council; and,
- B. During the codification process, the City Council passed and adopted Ordinance No. 18-279 amending Delta City codified ordinances pertaining to the compensation and removal of planning and zoning commission members, and such amended language was not reflected in the compiled, revised, codified and thereafter published ordinances of Delta City being adopted by this Ordinance.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Delta, Utah:

Section 1. Codification. Pursuant to the provisions of Utah Code § 10-3-707, and from and after the date of passage of this ordinance, the city code of the City of Delta, Utah prepared by Sterling Codifiers, Inc. containing the compilation of all ordinances of a general nature together with the changes made to said ordinances, under the direction of the City Council, shall be accepted in all courts without question as the official code and law of Delta City as enacted by the Mayor and City Council.

Section 2. Name. This volume of codified municipal ordinances shall be entitled the "Delta City Code."

Section 3. Perpetual Codification. There is hereby adopted, as a method of perpetual codification, the loose-leaf type of binding, together with the continuous supplement service provided by Sterling Codifiers, Inc., whereby each newly adopted ordinance of a general and permanent nature amending, altering, adding or deleting provisions of the official city code is identified by the proper catch line and is inserted in the proper place in each of the official copies, one copy of which shall be maintained in the office of the City Recorder, certified as to correctness and available for inspection at any and all times that the office of Delta City is regularly open;

Section 4. All Ordinance of General Nature Included. All ordinances of a general nature included in this official city code of Delta City shall be considered as a continuation of said ordinance provision and the fact that some provisions have been deliberately eliminated by the governing body shall not serve to cause any interruption in the continuous effectiveness of ordinances included in said official city code. All ordinances of a special nature, such as tax levy ordinances, bond ordinances, franchises, vacating ordinances and annexation ordinances shall continue in full force and effect unless specifically repealed or amended by a provision of the city code. Such ordinances are not intended to be included in the official city code;

Section 5. Uncodified Ordinances Not Included. This volume and codification shall not supersede any uncodified ordinance of a private, local, or temporary nature, including, but not limited to, ordinances authorizing the execution and issuance of deeds, bonds, or contracts, the creation of special improvement districts, the amendment of zoning or redevelopment area maps, and the vacation of streets.

Section 6. Amendment to Account for Ordinance 18-279. To account for the adoption of Ordinance No. 18-279 that was passed during the codification process and not reflected in the compiled, revised, codified and thereafter published ordinances of Delta City being adopted by this Ordinance, the following provisions of the Delta City Code being adopted by this Ordinance are hereby amended and adopted to read as follows:

1. 9-4-2(A) shall be amended to read as follows:

Members of the Planning Commission shall be appointed by the Mayor of Delta City with the advice and consent of the City Council from among qualified electors of the City. Members may, but are not required, to be paid an amount at a rate as determined by resolution of the City Council. Members may receive reimbursement of reasonable expenses. If the City

Council fails or rescinds a resolution providing for compensation of members, members shall serve without pay. The members of the Delta City Planning Commission as presently constituted shall be appointed to continue in office for their present terms. One of the members so appointed to the Planning Commission shall be appointed from among the members of the City Council. The City Council members of the Planning Commission may be paid at a different rate and amount than the other Planning Commission members, including possibly receiving no pay for the Council Member's service on the Planning and Zoning Commission, as determined by resolution of the City Council.

2. 9-4-2(E) shall be amended to read as follows:

There shall be a member of the Planning Commission designated as the Chairman by the Mayor, with the advice and consent of the City Council. The designation of the Chairman shall be reviewed annually. The Planning Commission shall, in the absence of the Chairman, or any period during which the Chairman is unable, fails or refuses to act, select a Vice-Chairman who shall serve as Chairman during the period of such absence, inability, refusal or failure to act. Three members of the Planning Commission and the Chairman or Vice-Chairman shall constitute a quorum for action of the Planning Commission. The Planning Commission shall adopt such rules of procedure as are necessary for the conduct of business in Planning Commission meetings.

3. 9-4-2(F) shall be amended to read as follows:

The Mayor of Delta City may remove any member of the Planning Commission for cause, provided that the member be afforded an appeal to the City Council, if such appeal is filed with the City Recorder within 15 days of removal. "Cause" shall expressly include, but is not limited to, failing to attend three consecutively scheduled meetings of the Planning and Zoning Commission.

Section 7. Unlawful to Tamper With. It shall be unlawful for any person, firm or corporation to change or amend by additions or deletions, any part or portion of such code, or to insert or delete pages or portions thereof, or to alter or tamper with such code in any manner whatsoever which will cause the law of the city to be misrepresented thereby;

Section 8. Effective Date. This ordinance shall become effective upon publication.

Section 9. Publication. This ordinance, or a summary thereof, is ordered

published in the Millard County Chronicle Progress, a newspaper having general circulation within the city of Delta, Utah.

Section 10. Severability. In the event that any provision of this ordinance less than the entire ordinance is held invalid by a court of competent jurisdiction, this ordinance shall be deemed severable and such finding of invalidity shall not affect the remaining portions of this ordinance.

Section 11. Repeal of Conflicting Ordinances. To the extent that any ordinances, resolutions or policies of the City of Delta conflict with the provisions of this ordinance, it is hereby amended to be in accordance with the provisions hereof.

PASSED AND ADOPTED by the City Council of the City of Delta, State of Utah on the 6th day of March, 2019, by the following Vote:

	Aye	Nay	Abstain	Absent
Robert W. Banks	_____	_____	_____	_____
Brett C. Bunker	_____	_____	_____	_____
Kiley J. Chase	_____	_____	_____	_____
Nicholas W. Killpack	_____	_____	_____	_____
Betty Jo Western	_____	_____	_____	_____



John Wesley Niles
MAYOR

Sherri Westbrook
CITY RECORDER